

Smith, Patrick

From: Barb Schmitt [barb102466@yahoo.com]
Sent: Monday, March 22, 2010 1:29 PM
To: Smith, Patrick
Subject: prison issues board meeting 3-23-10

Mr Smith,

Pursuant to Article 2 section 8-9 of Montana's Constitution and the provisions of Title 2, Chapter 3 MCA, Barbara and Robert Rose hereby request the following comments be submitted and incorporated in the March 23rd PIB meeting in Deer Lodge Mt. We are following the legislative intent of Montana's open meeting law in that we do not wish to abdicate our sovereignty to the agencies that are there to serve us and expect to be heard and our comments considered.

#1-Agenda- We first assert that the boards posted agenda is so vague and untimely that we are being denied our reasonable opportunity to submit data, views, or arguments and therefore ask that any final decisions at the meeting being tabled until the next meeting.

#2- Magazines-Your proposal to allow MCE to limit inmates selection and purchase of magazines to a list of forty is the equivalent of an approved vendor list which has been ruled by the courts as a civil rights violation for both the inmate and the vendor. The law is clearly established on this issue therefore this board should decline to create such a policy.

#3- MSP recreation policy- Tax payer money was allocated to purchase fences, towers, and recreation equipment to secure inmate activities in the high and low side yards. The purpose for this program is inmates having recreation activities outdoors. The tax payers have also paid for security guards to maintain security in those yards. The department is required to utilize the maximum efficiency of such resources in a coordinated effort to maintain those comprehensive programs. The high side yard is now only available three days a week. In utilizing maximum resources the administration should coordinate its efforts to ensure inmates have daily access to the yard. This would encourage rehabilitation, healthy environment and would aid inmates good health. It would also better demonstrate that the department is utilizing tax dollars wisely and to maximum efficiency.

#4- MDOC policy 1.3.12, 1.3.2- These policies are not being followed. Such policies mandate accountability to MDOC code of ethics. Why have a code of ethics if there is no accountability to it? Inmates and guards are being informed that mandatory reporting forms are no longer available, why? This policy should be enforced and never recended.

#5-Policy comment forms- The inmates and public should once again be authorized to submit policy comment forms under MDOC policy 1.1.2 as was the case before the policy was changed in 2008.

#6- General policy comment- According to the plain language of MCA 2-15-101 it is the public policy of this state to create structure of MDOC which is responsible for the needs of the people and to encourage public participation and to provide responsibility within the department for implementation of programs and policies that are fixed and ascertainable. MDOC policies and procedures are far from fixed and ascertainable nor am I encouraged to participate in their creation. The policies are so vague one can hardly know how to follow them or fairly enforce them. This leaves too much room for officer discretion, inviting an atmosphere of arbitrary judgment calls. This also creates an atmosphere and environment of staff needing to hold secret meetings to figure out what decision to make or who to selectively enforce the policy decision on. Such practices go against the public policy of this state and controlling statutes. AN example of such arbitrary decisions made by staff happened on my 3-21-10 visit. I was visiting with my husband as I have weekly for well over 3 years now. I had my legs crossed(as most women do and I do all the time) and the officer told me that I must have both feet on the floor at all times and that I must face forward at all times. I did what she asked but know for a fact that the policy provided to me by the front entrance officer as I left on 3-13-10 does not state that anywhere. My husband was told by the same officer that we could not talk to another inmate and his

visitor while in the visiting room. This particular inmate lives on his block and he talks to him regularly. How does that make sense to tell him that he cant talk to him in a relaxed atmosphere. I have met many other inmates and their visitors over the years and have never been told we could not talk amongst ourselves while visiting. My husband asked her if this was a new policy and she said no its always been that way. I have never been told either of those things by another officer in any institution. Although it does state in the policy that people with small children must maintain control of their children while in the institution and any disruption of the orderly operation of the visiting room will result in termination of the visit. The officer in question allowed a child to scream loud enough for others to not be able to hear what their visitor was saying, and this action was unchecked for hours and was very disruptive for the other visitors in the room. The weekend before a woman was asked to leave because she was crying. Trust me, her actions were more comical than disruptive. The childs high pitched scream gave my husband and I both a headache and disrupted our communication numerous times. I try to follow all policy and have ask for them to be posted in the visiting room numerous times. This has never happened and the reason, I believe, is so that the officers can go on unchecked power trips at their discretion.

#7-IWF-As for the IWF expenditures discussed, where are the preceding IWF meeting minutes from inmate meetings held in the institutions? Those meetings are also to be open to the public. I cannot adequately respond with my comments without knowing what was discussed in those previous meetings. I would ask IWF issues be tabled until next meeting so that I can review IWF inmate meetings minutes.

The IWF monies and related expenditures would not be taking place without me and other members if the public's contribution to the fund by way of our taxed phone calls. Why have we been left out of this process or decision in which upwards of 45% of the phone bill is put into the IWF?

Which brings me to another related point. Why is the phone system at MSP, which is a department resource, shut off at 8:30? At the January 2009 PIB meeting, Gail Lambert asked why Shelby generated more IWF monies. I believe that to be because the phones are generating money until at least 11:00pm 7 days a week. It seems the way Shelby generates IWF money is more consistent with utilizing the maximum efficiency of the departments resources as statute mandates.

You would think MSP would follow the example, especially considering that the legislative intent of allowing the department to contract with CCA is to allow the department to consider and adopt CCA's cost effective ideas. Such intent is found in the WHEREAS clauses in the opening of the contract language.

Notice that CCA In Shelby houses half as many prisoners as MSP but generates almost as much IWF money.

What is the penalogical interest in restricting phone use? I heard the reason for phone shut of changing from 10:00pm to 8:30pm followed directly on the heels of inmate grievances as a retaliation tactic. (summer 2007) Officers in the command post were arbitrarily shutting the phones off at random times with no valid security reason, when inmates grieved it, major Woods, rather than correcting officers, issued a command post order requiring phones to be cut off at 8:30pm. Even today command post staff cant obey their orders. Ive been talking to my husband when they are shut off at 8:20. A perfect example of a waste of department resources from the officers misconduct to unnecessary restriction of the phone system.

Thank you for submitting these on our behalf,
Barbara Rose